

## **DETAILED ACTION**

### ***Response to Amendment***

1. Acknowledgment is made to applicant's cancellation of claims 30-31, 34, 37, 40, 43, 45-46, 48-49, 53-54, 56-57, 61-62, 64, and 67. Acknowledgment is made to applicant's amendment of claims 27, 28, 29, 35-36, 50, 55, 58-60, 63, 68, and 69.

### ***Claim Objections***

2. Claim 59 is objected to because of the following informalities: the claim has been amended to say "wherein the additional is applied" which appears to leave out the word "material" following the word "additional". Appropriate correction is required.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 27, 28, and 63 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7610677. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of PN 7610677 ('677) teaches a method for manufacturing a throttle valve unit including a housing and valve that moves in relation to it by injection molding the housing from a first plastic in a first cavity, transferring the housing to a second cavity spatially separate from the first and injection molding the valve out of a second material in the second cavity. '677 teaches inserting bushes into the throttle valve housing. With regards to the limitation of applying a material into the gap between the housing and the valve flap part this limitation is an optional limitation. With regards to the limitation in claims 28 and 63 of rotational fixing of the bushes, '677 teaches that there is a large frictional state between the bushes and the housing.

***Allowable Subject Matter***

5. Claims 29, 50-52, 55, 68, and 69 are allowed.
6. Claims 32-33, 35-36, 38-39, 41-42, 44, 47, 58-60, and 65-66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach nor render obvious injection molding of a throttle valve housing followed by the insertion of bushings or a third material into the molded housing prior to the injection molding of a valve flap from a second material in that the housing and valve flap are molded in separate molds spatially separated from each other.

#### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GALEN HAUTH whose telephone number is (571)270-5516. The examiner can normally be reached on Monday to Thursday 8:30am-5:00pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571)272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GHH/

/Christina Johnson/  
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